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Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Written statement submitted by the Sierra Club Legal Defense Fund, Inc., a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 August 1994]

Human rights and the environment

1. The Sierra Club Legal Defense Fund welcomes the submission of the Special Rapporteur's final report (E/CN.4/Sub.2/1994/9), with annexes, to the Sub-Commission. The Legal Defense Fund has firmly supported the study process from its inception and continues to believe in the importance of the Special Rapporteur's work. Throughout the study, the Legal Defense Fund has presented a series of issue papers to the Special Rapporteur on various aspects of the relationship between human rights and the environment.

2. The Legal Defense has observed with great interest and increasing satisfaction the progress of the issue in the Sub-Commission and the Commission. The Legal Defense Fund has noted the growing international recognition of the severity of threats to the environment and of the unavoidable connections between environmental conditions and the enjoyment of human rights. Because of these connections, the Legal Defense Fund believes more strongly than ever that the human rights bodies of the United Nations should address the human side of environmental problems and that they should coordinate with other United Nations bodies that deal with environmental issues in so doing.

3. In the course of the Special Rapporteur's study, she has submitted a preliminary report and two progress reports to the Sub-Commission. Those reports provide illustrations, examples and analyses of a wide array of environmental issues that impact human rights. The reports also demonstrate an increasingly refined theory of human environmental rights that treats human environmental rights as a collection of the environmental components of well-established rights. Those rights together comprise the right to a safe, healthy and ecologically sound environment.

4. The substantive side of the right to a safe, healthy and ecologically sound environment includes the right to be free of life- and health-threatening environmental conditions; the right to safe and healthy food and water; the right to a safe and healthy working and living environment; the right to housing in an ecologically sound environment, including the right not to be evicted; and the right to assistance in case of environmental emergency.

5. Human environmental rights also encompass the rights of future generations; the right to be free from discrimination in actions and decisions that affect the environment; the right to benefit equitably from nature and natural resources; and the rights of indigenous peoples to control their environments.

6. Procedurally, environmental rights include the right to environmental information; the right to freedom of expression and association about matters that relate to the environment; the right to environmental and human rights education; and the right to effective redress and remedies. These procedural rights are important for their own intrinsic value and because they are essential prerequisites for realization of substantive environmental rights.

7. As in other human rights contexts, entitlement to environmental rights implies correlative obligations - on the part of Governments, international organizations, individuals and transnational corporations - to protect the environment and to provide administrative, legal and other measures to facilitate environmental protection.

8. The foregoing principles come together in the 1994 draft declaration of principles on human rights and the environment, annexed to the Special Rapporteur's final report. The draft declaration of principles is the product of a meeting of experts convened in May 1994 at the United Nations in Geneva

on behalf of the Special Rapporteur. 1/ More than 20 people - including international experts on human rights and the environment, special rapporteurs of the Sub-Commission and the Commission and chairs of human rights treaty bodies - met with the Special Rapporteur over a three-day period and produced the draft declaration. The Sierra Club Legal Defense Fund strongly supports the principles set forth in the draft declaration.

9. The Special Rapporteur's final report marks the transition point from a critically important study process on the connections between human rights and the environment, to a more active phase in which the Sub-Commission and the Commission can address implementation and enforcement of the environmental rights identified in the Special Rapporteur's study.

10. The Sierra Club Legal Defense Fund believes the consideration of human rights and the environment by the United Nations has achieved a level of prominence and understanding that justifies a substantial commitment of resources by the Commission to facilitate implementation and enforcement of human environmental rights in a comprehensive and coordinated fashion.

11. Accordingly, the Sierra Club Legal Defense Fund strongly supports the transmission of the Special Rapporteur's final report and annexes to the Commission on Human Rights with a view to its publication and wide dissemination. In addition, the Legal Defense Fund gives its full support to the appointment by the Commission of a special rapporteur on human rights and the environment with a broad mandate, to include monitoring, examination, receipt of communications and issuance of recommendations on environmental problems that affect the full enjoyment of human rights; and seeking comments on and making recommendations regarding the draft declaration of principles on human rights and the environment.

12. The Sierra Club Legal Defense Fund applauds the work of Mrs. Ksentini as Special Rapporteur in bringing the issue of human rights and environment the recognition it merits. We look forward to the inauguration of a new phase of United Nations involvement in the issue with an eye to dealing with situations, improving accessibility to corrective mechanisms, and enhancing responsibility for violations of human environmental rights.

1/ The Meeting of Experts on Human Rights and the Environment was convened by the Sierra Club Legal Defense Fund, in conjunction with the World Association for the School as an Instrument of Peace and the Société suisse pour la protection de l'environnement, on 16-18 May 1994.